

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

Even HAVING a digital broadcast flag will mean that some content providers will abuse it by preventing consumer recording that is LEGAL and FAIR USE under existing law.

Since content providers view ALL content as potential revenue sources, why allow consumers to copy ANY of it? I fear for our rights as consumers when content providers get to chose what we can and can't record. I can easily see a future when viewers will be barred from recording the Super Bowl or the broadcast premier of Star Wars Episode 3 while being able to record Gilligan's Island to our hearts content.

This has already happened recently, with up to 3 million subscribers being unable to record video programs:

<http://www.siliconvalley.com/mld/siliconvalley/4097198.htm>

In order to prevent this, there should be NO broadcast flag. Existing media companies have ALWAYS hated, feared, reviled and resisted the existence of consumer choice recording devices and their current unreasoning fear of digital recording devices is no exception. Witness the MPAA's Jack Valenti's comments on the VCR: "I say to you that the VCR is to the American film producer and the American public as the Boston strangler is to the woman home alone." And, like the case of the VCR, IN EVERY PAST CASE, the content owners' fear of the recording devices have been shown to be unnecessary, and even foolish.

Requiring a broadcast flag in HDTV will inevitably turn all desirable HDTV recording into a Pay Per Record model. I would not be surprised if content providers are not already planning for this model for HDTV.

Thus even having a broadcast flag is unnecessary and will ultimately lead to reduced citizen rights for the benefit of the few corporations that control most content. The FCC, as the entity representing the American citizen in this case should abandon the requirement of a "broadcast flag" for HDTV.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices? If a broadcast flag does NOT interfere with consumers' ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices, then it is useless, since anything that can be sent to a home network can be recorded and sent out of the home network. Hence broadcast flag proponents are either lying or foolish if they think that their broadcast flag will allow fair use for the consumer in this area and still be useful to them.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

In every case where content providers have tried to prevent FAIR USE consumer recording through technical means, they have broken or made incompatible, older equipement. Ample proof exists to show this, whether

one looks at Macrovision protection on VCR tapes or the more recent music CD protections that prevent CDs from being read in many CD players, and even damage PCs that play them.

Given so much past evidence, it is foolish in the extreme to believe that history will not repeat itself here.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?
Of course it would. Existing Peer 2 Peer networks have already opened up

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?
Any addition of a broadcast flag will increase cost of the device to the consumer. This effectively results in the consumer (and the electronics manufacturers) subsidizing the business model of the content providers. As a consumer, I find it the height of arrogance to expect me to pay for the privilege of allowing media companies to deprive me of my FAIR USE rights.

Other Comments:

In closing, I think the FCC is doing all US citizens a disservice in allowing media corporations to LOCK OUT our ability to record broadcast programming. The US airwaves are a PUBLIC RESOURCE and should be protected as such by the FCC. The FCC should NOT conspire with media corporations to force US consumers to foot the bill for media companies newest business model, which will be Pay for Record, courtesy of the broadcast flag.